

FILED

OCT 27 2021

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
TENNESSEE KNOXVILLE DIVISION

Clerk U. S. District Court  
Eastern District of Tennessee  
At Knoxville

STATE OF TENNESSEE, *et al.*,

*Plaintiffs,*

v.

U.S. DEPARTMENT OF  
EDUCATION, *et. al.*,

*Defendants.*

Case No. 3:21-cv-00308

**MOTION FOR LEAVE TO FILE  
AMICUS BRIEF**

**MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF**  
**IN SUPPORT OF PLAINTIFFS**

*Amicus Curiae* the U.S. Chapter of the Women's Human Rights Campaign (WHRC USA) hereby moves for leave to file an *amicus* brief in support of Plaintiffs' Complaint for Declaratory and Injunctive Relief.

Founded in 2020, WHRC USA is the U.S. chapter of the global Women's Human Rights Campaign (WHRC). WHRC is a group of volunteer women from across the globe dedicated to protecting women's sex-based rights. WHRC includes academics, writers, organizers, activists, legal professionals, artists, and health practitioners, among others, and aims to represent the breadth of the human female experience. The founders of the WHRC created the Declaration on Women's Sex-Based Rights (Declaration)<sup>1</sup> to lobby nations to maintain language protecting women and girls on the basis of sex rather than "gender" or "gender identity." The Declaration has been signed by over 20 thousand people across the world, including over 3000 residents of

---

<sup>1</sup> Declaration on Women's Sex-Based Rights, [www.womensdeclaration.com](http://www.womensdeclaration.com) (last visited October 25, 2021).

the U.S., many of whom reside within the Sixth Circuit. WHRC USA filed an *amicus* brief before the Ninth Circuit the matter of *Hecox v. Little*, which is currently pending before the U.S. District Court for the District of Idaho to determine factual questions related to mootness (9CA No. 20-35815, D.C. No. 1:20-cv-00184-DCN Document 43 Filed 11/19/2020).

WHRC USA supports the claims and arguments set forth in the Complaint for Declaratory and Injunctive Relief and seeks to argue further that this matter presents novel constitutional questions in that the executive actions that are the subject of the Complaint constitute unconstitutional sex discrimination under Equal Protection Clause of the 14<sup>th</sup> Amendment. These arguments can most effectively be presented for the Court's consideration via an *amicus* brief.

Dated: October 26, 2021

Respectfully Submitted,



Mark J. Schirmer (TN BPR #19717)  
2532 Brotherwood Cove  
Collierville, TN 38017  
901-230-4697  
Markschirmer1@gmail.com

## CERTIFICATE of SERVICE

On October 26, 2021, a copy of this motion and the attached Amicus Curiae Brief on

Behalf of the Women's Human Rights Campaign USA is being served via email on:

Brandon James Smith  
Tennessee Attorney General's Office  
P.O. Box 20207  
Nashville, TN 37202  
913-653-7904  
Email: [brandon.smith@ag.tn.gov](mailto:brandon.smith@ag.tn.gov)

Clark Lassiter Hildabrand  
Tennessee Attorney General's Office  
500 Dr. Martin L. King, Jr. Blvd.  
Nashville, TN 37243  
615-253-5642  
Email: [clark.hildabrand@ag.tn.gov](mailto:clark.hildabrand@ag.tn.gov)

Sarah Keeton Campbell  
Tennessee Attorney General's Office  
P.O. Box 20207  
Nashville, TN 37202  
615-532-6026  
Email: [sarah.campbell@ag.tn.gov](mailto:sarah.campbell@ag.tn.gov)

Matt Daniel Cloutier  
Tennessee Attorney General's Office  
P.O. Box 20207  
Nashville, TN 37202  
615-741-7908  
Email: [matt.cloutier@ag.tn.gov](mailto:matt.cloutier@ag.tn.gov)

Counsel for Plaintiff – State of Tennessee

Alexander Barrett Bowdre  
State of Alabama  
Office of the Attorney General  
501 Washington Ave.  
PO Box 300152  
Montgomery, AL 36130-0152  
334-353-8892  
Email: [barrett.bowdre@alabamaag.gov](mailto:barrett.bowdre@alabamaag.gov)

Counsel for Plaintiff – State of Alabama

Jessica M Alloway  
The State of Alaska  
1031 West Fourth Avenue  
Suite 200  
Anchorage, AK 99501  
907-269-5275  
Email: [jessie.alloway@alaska.gov](mailto:jessie.alloway@alaska.gov)

Counsel for Plaintiff – State of Alaska

Kate B. Sawyer  
Office of the Arizona Attorney General  
2005 N Central Ave  
Phoenix, AZ 85004  
602-542-3333  
Email: [kate.sawyer@azag.gov](mailto:kate.sawyer@azag.gov)

Counsel for Plaintiff – State of Arizona

Nicholas J. Bronni  
Office of the Arkansas Attorney General  
323 Center St  
Suite 200  
Little Rock, AR 72201  
501-682-6302  
Email: [nicholas.bronni@arkansasag.gov](mailto:nicholas.bronni@arkansasag.gov)

Vincent M. Wagner  
Office of the Arkansas Attorney General  
323 Center St  
Suite 200  
Little Rock, AR 72201  
501-680-8090  
Email: [vincent.wagner@arkansasag.gov](mailto:vincent.wagner@arkansasag.gov)

Counsel for Plaintiff – State of Arkansas

Drew F. Waldbeser  
Office of the Georgia Attorney General  
40 Capitol Square SW  
Atlanta, GA 30334  
678-621-4472  
Email: [dwaldbeser@law.ga.gov](mailto:dwaldbeser@law.ga.gov)

Counsel for Plaintiff – State of Georgia

Kurtis K. Wiard  
Office of the Kansas Attorney General  
120 S.W. 10th Ave  
Topeka, KS 66612  
785-368-8457  
Email: [kurtis.wiard@ag.ks.gov](mailto:kurtis.wiard@ag.ks.gov)

Counsel for Plaintiff – State of Kansas

Marc Manley  
Office of the Kentucky Attorney General  
700 Capital Avenue  
Suite 118  
Frankfort, KY 40601  
502-696-5478  
Email: [marc.manley@ky.gov](mailto:marc.manley@ky.gov)

Counsel for Plaintiff – State of Kentucky

Justin L. Matheny  
Office of the Attorney General (MS)  
P.O. Box 220  
Jackson, MS 39205  
601-359-3825  
Email: [justin.matheny@ago.ms.gov](mailto:justin.matheny@ago.ms.gov)

Counsel for Plaintiff – State of Mississippi

Benjamin Michael Flowers  
Ohio Attorney General's Office  
30 E. Broad St.  
Columbus, OH 43215  
614-728-7511  
Email: [benjamin.flowers@ohioattorneygeneral.gov](mailto:benjamin.flowers@ohioattorneygeneral.gov)

Counsel for Plaintiff – State of Ohio

Zach Paul West  
Office of the Attorney General (OK)  
313 N.E. 21st Street  
Oklahoma City, OK 73105  
405-521-3921  
Fax: 405-521-4518  
Email: [zach.west@oag.ok.gov](mailto:zach.west@oag.ok.gov)

Counsel for Plaintiff – State of Oklahoma

Jason R. Ravensborg  
Office of the Attorney General (SD)  
1302 East Highway 14  
Suite 1  
Pierre, SD 57501  
605-773-3215  
Fax: 605-773-4106  
Email: [jason.ravnsborg@state.sd.us](mailto:jason.ravnsborg@state.sd.us)

Counsel for Plaintiff – State of South Dakota

Lindsay S. See  
Office of the Attorney General (WV)  
State Capital Building 1  
Room E-26  
Charleston, WV 25305  
304-558-2021  
Fax: 304-558-0140  
Email: [lindsay.s.see@wvago.gov](mailto:lindsay.s.see@wvago.gov)

Counsel for Plaintiff – State of West Virginia

Jonathan Scruggs  
Alliance Defending Freedom  
15100 N. 90th Street  
Scottsdale, AZ 85260  
480-444-0020  
Email: [jscruggs@alliancedefendingfreedom.org](mailto:jscruggs@alliancedefendingfreedom.org)

Ryan L. Bangert  
Alliance Defending Freedom (Arizona)  
15100 N. 90th Street  
Scottsdale, AZ 85260  
480-444-0020  
Email: [rbangert@adflegal.org](mailto:rbangert@adflegal.org)

W. Andrew Fox  
Gilbert & Fox Law Firm  
625 S. Gay Street  
Suite 540  
Knoxville, TN 37902  
865-525-8800  
Email: [andy@andrewfoxlaw.com](mailto:andy@andrewfoxlaw.com)

Counsel for Intervenor Plaintiffs – Association of Christian Schools International, A.F., A.S.,  
and C.F.

Christopher Healy  
DOJ-Civ  
Civil Division, Department of Justice  
1100 L St. NW  
Washington, DC 20530  
202-514-8095  
Email: [christopher.healy@usdoj.gov](mailto:christopher.healy@usdoj.gov)

Joshua E. Gardner  
DOJ-Civ  
Poc Agostinho, Jean  
1100 L St., N.W.  
Ste 12200  
Washington, DC 20530  
202-305-7583  
Email: [joshua.e.gardner@usdoj.gov](mailto:joshua.e.gardner@usdoj.gov)

Martin M. Tomlinson  
DOJ-Civ  
1100 L St., N.W.  
Room 12504  
Washington, DC 20530  
202-353-4556  
Email: [martin.m.tomlinson@usdoj.gov](mailto:martin.m.tomlinson@usdoj.gov)

Michael Drezner  
DOJ-Civ  
Federal Programs Branch  
1100 L. St. NW  
Room 12210  
Washington, DC 20005  
202-514-4505  
Email: [michael.l.drezner@usdoj.gov](mailto:michael.l.drezner@usdoj.gov)

Counsel for Defendants – The United States Department of Education, Miguel Cardona (in his official capacity as Secretary of Education), The United States Equal Opportunity Commission, Charlotte Burrows (in her official capacity as Chair of the Equal Employment Opportunity Commission), The United States Department of Justice, Merrick Garland (in his official capacity as Attorney General of the United States), and Kristen Clarke (in her official capacity as Assistant Attorney General for Civil Rights at the United States Department of Justice).

The following counsel are being served today via first class mail:

Andree S. Blumstein  
Sherrard & Roe, PLC  
150 3rd Avenue South, Suite 1100  
Nashville, TN 37201  
615-742-4200

Counsel for Plaintiff – The State of Tennessee

W. Scott Zanzig  
Office of the Idaho Attorney General  
P.O. Box 83720  
Boise, ID 83720  
(208) 332-3556

Counsel for Plaintiff – The State of Idaho

Thomas M. Fisher  
Office of the Indiana Attorney General  
1GC-South, Fifth Floor  
302 West Washington St  
Indianapolis, IN 46204  
(317) 232-6255

Counsel for Plaintiff – The State of Indiana

Elizabeth B. Murrill  
Department of Justice (LA)  
1885 North Third Street  
Baton Rouge, LA 70804  
225-326-6766

J. Scott St. John  
Department of Justice (LA)  
1885 North Third Street  
Baton Rouge, LA 70804



225-326-6766

Counsel for Plaintiff – The State of Louisiana

D. John Sauer  
Office of the Attorney General (MO)  
P.O. Box 899  
Jefferson City, MO 65102  
573-751-8870

Counsel for Plaintiff – The State of Missouri

Christian B. Corrigan  
Office of the Attorney General (MT)  
215 North Sanders  
Helena, MT 59620  
406-444-2707

Davis M. S. DeWhirst  
Office of the Attorney General (MT)  
215 North Sanders  
Helena, MT 59620  
406-444-2707

Counsel for Plaintiffs – The State of Montana

James A. Campbell  
Office of the Attorney General (NE)  
2115 State Capital  
Lincoln, NE 68509  
402-471-2682

Counsel for Plaintiff – The State of Nebraska

J. Emory Smith, Jr.  
Office of the Attorney General (SC)  
P.O. Box 11549  
Columbia, SC 29211  
803-734-3680

Counsel for Plaintiff – The State of South Carolina

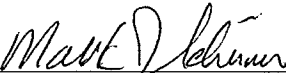
Christiana M. Holcomb  
Alliance Defending Freedom  
440 First Street NW

Ste 600  
Washington, DC 20001

Henry W. Frampton  
Alliance Defending Freedom (Arizona)  
15100 N. 90th Street  
Scottsdale, AZ 85260  
(480) 444-0020

Counsel for Intervenor-Plaintiffs – The Association of Christian Schools International

Stated under penalty of Perjury October 26, 2021

  
\_\_\_\_\_  
Mark J. Schirmer